



Document Review

IFMS Document: BD 0299275CVX

03/03/11

Document Summary: General Ledger Entries

Document: BD 0299275CVX

SFO: AP27

Date: 07/19/99

Amount: \$93,000.00

Collected: \$0.00

Closed: 06/18/08

Due From: ASBESTOS PROS, INC.

NYC, NY

JOSEPH GIAMBOI, GENERAL COUNSEL,

NEW YORK, NY

Due Date: 09/17/99

Comments: EPAB985095

Interest: 11/09/99 \$560.55

Handling: \$0.00

Penalty: \$0.00

Writeoff: 06/18/08 \$93,560.55

02-1994-0052

Document Details:

Line	Line Amt	Collected	Writeoff	Closed	Int Rate	Reporting Category	BFY	Fund	RPIO	Org	Prog	Job No	BOC
997	\$560.55	\$0.00	\$560.55	\$560.55	0.000	03-FINES, PENALTIES: CLEAN AIR	1999	1435	02	02			
001	\$93,000.00	\$0.00	\$93,000.00	\$93,000.00	5.000	03-FINES, PENALTIES: CLEAN AIR	1999	1099	02	02			

Document Activity:

Date	Ref Amount	Related Document	Direction	Date	Ref Amount	Related Document	Date	Ref Amount	Related Document
06/18/08	\$93,560.55	WR 0299275CVX	Forward						
08/25/07	-\$93,560.55	WN 0299275CVX	Forward						
07/05/06	\$93,560.55	WN 0299275CVX	Forward						
06/17/06	\$93,000.00	Increase							
06/17/06	\$560.55	Increase							

Warehouse Homepage

EPA@Work Home | EPA Internet

http://iasint.rtpnc.epa.gov/neis/ifms_doc.resolve

This web page was last updated on 08/07/2010.

This data was last updated on 03/03/2011 14:01

This page coordinated by: Thomas Ngo

A. Case and Facility Background

1. EPA Enforcement DOCKET System Case Number (FOR ANALYST USE ONLY) 02-94-0052 98 CIV 5095
2. Court or Administrative Docket or Index Number 98 CIV 5095
3. Case Name UNITED STATES v. NEW YORK CITY SCHOOL CONSTRUCTION AUTHORITY, et al.
4. (a) EPA-FINDS Facility ID No. _____ (b) EPA Program ID _____
(If more than one facility, attach Facility Data Form)
5. Facility Name NUMEROUS NEW YORK CITY PUBLIC SCHOOL BUILDINGS
6. Facility Address: (a) Street VARIOUS ADDRESSES THROUGHOUT NEW YORK CITY
(b) City _____ (c) State _____ (d) Zip _____
7. (a) Primary 4-digit SIC-code _____ (b) Other 4-digit SIC-codes _____, _____, _____, _____
8. (a) Dun & Bradstreet Number (not applicable for CERCLA actions) _____
(b) For CERCLA actions only: Is this site on the NPL? Yes No
9. (a) EPA Lead Attorney MICHAEL ARCH Phone (212) 637-3201
(b) EPA Program Contact ROBERT FITZPATRICK Phone (212) 637-4042
10. Statute(s) / Section(s) violated CAA 112, _____, _____, _____
(Not authorizing section or CFR.)
11. Action Type ☒ (a) Judicial consent decree or court order ☐ (e) Field Citation
☐ (b) Administrative Penalty Order ☐ (f) Administrative Non-Penalty Order (non-Superfund)
☐ (c) Superfund Administrative Agreement for Cost Recovery ☐ (g) Superfund Administrative Order (No Cost Recovery)
☐ (d) Federal Facility Compliance Agreement (not incl. RCRA FFCA order)
12. (a) Date of Final Instrument 9/24/98 (b) DOCKET Resolution Code CP
13. (a) Type Case CAA 113b (b) Violation Type(s) NESHAP (ASBESTOS)
14. Was this a Multi-Media action? Yes ☒ No If Yes, check all that apply:
☐ M-M inspection ☐ M-M complaint ☐ M-M settlement ☐ SEP in other media
15. Was this action a National, Regional, or other special initiative? If so, identify initiative:
NO
16. Was the Agency activity taken in response to Environmental Justice concerns? Yes ☒ No
If Yes, check the appropriate category:
☐ $\geq 25\%$ Minority Population ☐ Minority Population & Low Income
☐ $\geq 25\%$ Low Income ☐ Other
17. Was Alternative Dispute Resolution used in this action? Yes No

B. Compliance Actions (Non-SEP Related)

18. What action(s) did violator accomplish prior to receipt of settlement/order, or will violator take, to return to compliance or meet additional requirements? Such action(s) may be taken pursuant to explicit requirements of the case settlement, or simply in order to comply with statutory or regulatory obligations. Where separate penalty and/or compliance orders are issued in connection with the same violation(s), report the following information for only one of those orders. Select responses(s) from the following:

Use Reduction _____
Industrial Process Change _____
Emissions/Discharge Change (Install/Modify controls) _____
Storage/Disposal Change _____
Remediation _____
Restoration _____
Removal _____
RD/RA _____

Testing _____
Auditing _____
Monitoring/Sampling _____
Recordkeeping _____
Labeling/Manifesting _____
Reporting _____
Information Letter Response _____
Permit Application _____
Training _____
Provide Site Access _____
Site Assessment _____
RI/FS _____

No Action (Penalty Only) _____
Other (Please Describe) _____

19. Cost of actions described in Item 18: (Actual cost data supplied by violator are the preferred cost figures.)
Physical actions (Item 18, Left Column):\$ _____ Non-physical actions (Item 18, Right Column):\$ _____

20.(a) Quantitative environmental impact of actions described in Item 18:

REDUCTIONS/ELIMINATIONS

Pollutant	Pollutant code / CAS No.	Amount	Units	(% Reduced)	Media
				() %	
				() %	
				() %	

REPORTED INFORMATION

Pollutant	Pollutant code / CAS No.	Amount	Units	Media

(b) Qualitative environmental impact of actions listed in Item 18. Select one or more of the following observed or predicted benefits:

Human health protection	Actual	Potential	Reductions beyond compliance requirements	
Worker protection	Actual	Potential	Increased public awareness	
Ecosystem protection	Actual	Potential	Increased Fed/St/local gov't knowledge	
Other (Please describe.)			Environmental Restoration/Land Use	

C. Supplemental Environmental Project (SEP) Information ☐ Yes ☒ No If Yes, check all the appropriate categories. If No, proceed to D.

21. Categories of SEP(s)

- ☐ (a) Public Health
- ☐ (b) Pollution Prevention
 - ☐ (1) equipment/technology modifications
 - ☐ (2) process/procedure modification
 - ☐ (3) product reformulation/redesign
 - ☐ (4) raw materials substitution
- ☐ (5) improved housekeeping/O&M/training/inventory control
- ☐ (6) in-process recycling
- ☐ (7) energy efficiency/conservation
- ☐ (c) Pollution Reduction
- ☐ (d) Environmental Restoration and Protection
- ☐ (e) Assessments and Audits
- ☐ (f) Environmental Compliance Promotion
- ☐ (g) Emergency Planning and Preparedness
- ☐ (h) Other Program-Specific SEP (specify) _____

22. SEP description _____

23. Cost of SEP. Cost calculated by the PROJECT Model is preferred. \$ _____

24. Is Environmental Justice addressed by SEP? ☐ Yes ☒ No

25.(a) Quantitative environmental impact of SEP: pollutants and/or chemicals and/or waste-streams, and amount of reductions/eliminations (e.g., emissions/discharges).

Pollutant	Pollutant code / CAS No.	Amount	Units	(% Reduced)	Media
				() %	
				() %	
				() %	

(b) Qualitative environmental impact of SEP. Select one or more of the following predicted benefits:

Human health protection	Actual	Potential	Increased public awareness	
Worker protection	Actual	Potential	Increased Fed/St/local gov't knowledge	
Ecosystem protection	Actual	Potential	Environmental Restoration/Land Use	
Other (Please describe.)				

D. Penalty (If there is no penalty, enter 0 and proceed to E.)

26.(a) Final Assessed Penalty (NOT including value of any SEP.) \$ 82,000

(b) (if shared) Federal share \$ _____ (c) (if shared) State or Local share \$ _____

27. For Multi-Media actions, Federal amounts by statute:

Statute	Amount\$	Statute	Amount\$
Statute	Amount\$	Statute	Amount\$

E. CERCLA Cost Recovery

28. Amount of cost recovery awarded: \$ _____ EPA
 \$ _____ State and/or Local Government \$ _____ Other

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October 16, 1998

BY HAND

Martin J. Siegel, A.U.S.A.
United States Attorney's Office
Southern District of New York
100 Church Street
New York, New York 10007

Re: United States v. New York City School Construction
Authority et al., 98 Civ. 5095 (SHS)

Dear Mr. Siegel:

Pursuant to your notice of September 29, 1998 that the Stipulation and Settlement Agreement in this matter was signed and entered by the Court on September 24, 1998, I enclose the following payments:

1. Sive, Paget & Riesel, P.C. escrow account check no. 2654 in the amount of \$34,000.00, representing:
NYC School Construction Authority, \$28,000.00;
EWT Contracting, Inc., \$2,000.00; and
CST Environmental, Inc., \$4,000.00.
2. Chase Bank check no. 0368003056, on behalf of Kiss Construction, Inc., in the amount of \$2,000.00.
3. Sive, Paget & Riesel, P.C. regular account check in the amount of \$349.76 representing interest on the escrow deposits from the date of deposit to today, at 3.1% per year which is the rate paid on our escrow accounts. This amount was calculated as follows:

EWT Contracting:

$\$2,000 \times 3.1\% \div 365 = 0.17/\text{day}$
Days = 135 (deposit date: 6/9/98)
 $135 \times 0.17 = \$22.95$

RECEIVED

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SIVE, PAGET & RIESEL, P.C.

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SCA:

$\$28,000 \times 3.1\% \div 365 = \$23.78/\text{day}$
Days = 133 (deposit date: 6/11/98)
 $135 \times 0.17 = \$316.27$

CST Environmental:

$\$4,000 \times 3.1\% \div 365 = \$0.34/\text{day}$
Days = 31 (deposit date: 9/15/98)
 $30 \times 0.34 = \$10.54$

All the checks are made out to "Treasurer, United States of America" and Items 1 and 2 are certified.

I have not received funds from any of the other defendants.

I understand that (a) the enclosed payments complete the settlement as between the United States and the NYC School Construction Authority, EWT Contracting Inc., CST Environmental, Inc. and Kiss Construction, Inc., except for additional interest which may be sought from Kiss Construction and/or CST Environmental and (b) your office will submit a proposed order to the Court dismissing, with prejudice, the claims in the Complaint asserted against those four defendants as per the Stipulation.

Thank you for your courtesies throughout this matter.

Sincerely,


Eric Bregman

EB:vb
Enclosures

cc: (by mail; w/o encls.)
NYC School Construction Authority,
Ross Holden, General Counsel
Donald Moss, Esq.
Edward A. Morrison, Esq.
Darrell Whitely, Esq.
Scott E. Furman, Esq.
Steven Coren, Esq.
Brendan Lawless
Michael E. Arch, U.S. EPA
Chief, Environmental Enforcement Section

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